

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS SCHMIDT,

Defendant.

**8:21-CR-211****ORDER GRANTING MOTION TO  
WITHDRAW**

On March 15, 2024, Defendant Douglas Schmidt, filed a Motion requesting appointment of counsel for the purposes of determining whether he was eligible for relief under Amendment 821 to the United States Sentencing Guidelines. [Filing 132](#). The Office of the Federal Public Defender was appointed to represent him pursuant to General Order No. 2023-09. [Filing 134](#). The purpose of this appointment was to determine whether the Defendant qualified “for relief pursuant to either the 2023 U.S. Sentencing Guidelines amendments of U.S.S.G. § 1B1.13 or U.S.S.G. § 1B1.10 providing for the retroactive application of Amendment 821[.]” [Filing 134 at 1](#). This matter is before the Court on the Motion to Withdraw filed by Federal Public Defender, Mr. David R. Stickman. [Filing 134](#). In his Motion, Mr. Stickman notes that “the Defendant has fifteen criminal history points and was not assessed any ‘status criminal history points’ in the Presentence Investigation Report and therefore no sentence reduction on this basis is allowed.” [Filing 134 at 1](#). The United States Probation Office also submitted a worksheet in this case which states that the Defendant is not eligible for a reduction. [Filing 135](#).

The Court has conducted its own review of the record in Schmidt’s case and agrees that Schmidt is not eligible for any relief under Amendment 821 for the reasons Mr. Stickman articulates in his Motion to Withdraw. The Court further notes that Schmidt’s Motion, [Filing 132](#), did not actually request substantive relief pursuant to Amendment 821; rather, he only requested

appointment of counsel for the purposes of pursuing relief pursuant to Amendment 821. *See generally* [Filing 132](#). There is nothing further for the Court to rule upon with respect to [Filing 132](#) because the only relief Schmidt sought in that Motion was granted pursuant to General Order No. 2023-09. Accordingly,

IT IS ORDERED:

1. Federal Public Defender David R. Stickman's Motion to Withdraw, [Filing 134](#) is granted; and
2. Because Schmidt's Motion for appointment of counsel was previously granted and there is nothing further for the Court to rule on with respect to this Motion, [Filing 132](#) is terminated.

Dated this 2nd day of August, 2024.

BY THE COURT:



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Brian C. Buescher  
United States District Judge